

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DONALD MACK BENNETT,

Plaintiff,

v.

No. 9:02-CV-1365
(FJS/GHL)

T. HUNTER, Administrative Director
of Medical, Riverview Correctional
Facility,

Defendant.

APPEARANCES:

OF COUNSEL:

DONALD MACK BENNETT
Plaintiff, pro se
Open Arms Men's Shelter
86 East Post Road
White Plains, NY 10603

HON. ELIOT SPITZER
Attorney General for the
State of New York
Attorney for Respondent
Department of Law
The Capitol
Albany, New York 12224

NELSON SHEINGOLD
Assistant Attorney General

FREDERICK J. SCULLIN, JR., S.D.J.:

ORDER

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge George H. Lowe filed March 31, 2006, and the Court having reviewed the Report-Recommendation and the entire file in this matter; and Judge Lowe's Report-Recommendation which was mailed to plaintiff's last known address, but was returned to the Clerk's office marked "Return to Sender". Under Local Rule 41.2(b), failure to notify the Court of a change of address as required by Local Rule 10.1(b) may result in dismissal of the action. Therefore, in light of Plaintiff's failure to notify the Court of his change of address, it is hereby

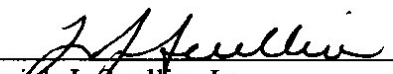
ORDERED, that the Report-Recommendation filed by Magistrate Judge George H. Lowe filed on March 31, 2006, is, for the reasons stated therein, **ACCEPTED** in its entirety; and it is further

ORDERED, that Defendant's motion for summary judgment is **GRANTED**, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of Defendant and **CLOSE** this case.

IT IS SO ORDERED.

DATED: May 1, 2006
Syracuse, New York


Frederick J. Scullin, Jr.
Senior United States District Court Judge